

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KIVA KITCHEN & BATH, INC.,

Plaintiff,

v.

**CAPITAL DISTRIBUTING, INC.
and JOHN MICHAEL DAVIS a/k/a
MICHAEL DAVIS a/k/a
JOHN DAVIS,**

*Defendants/Third-Party Plaintiff/
Counterclaimants,*

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CIVIL NO. 4:06-cv-02562

MOTION TO RETURN SUPERSEDEAS BOND

TO THE HONORABLE JUDGE OF THIS COURT:

COME NOW Defendants/Counterclaimants/Third-Party Plaintiffs Capital Distributing, Inc. and John Michael Davis a/k/a Michael Davis a/k/a John Davis (hereinafter referred to as "Defendants"), and make and file their Motion To Return Supersedeas Bond, and, in support, would show this Honorable Court as follows:

I.

Judgment has been fully satisfied and the Bank is requesting a return of the Supersedeas Bond. We are requesting an Order releasing the Supersedeas Bond.

WHEREFORE, PREMISES CONSIDERED,
Defendants/Counterclaimants/Third-Party Plaintiffs pray that the Court grant
this Motion to Return Supersedeas Bond, and for such other and further relief
to which Defendants are entitled at law or in equity.

Respectfully submitted,

MaddenSewell, LLP

By: /s/ Mark A. Hendrix
Mark A. Hendrix
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**ATTORNEYS FOR DEFENDANTS
CAPITAL DISTRIBUTING and JOHN
MICHAEL DAVIS a/k/a MICHAEL DAVIS
a/k/a JOHN DAVIS**

CERTIFICATE OF SERVICE

I certify that on the 5th day of June, 2010, a true and correct copy of the
foregoing Motion to Return Supersedeas Bond has been forwarded certified
mail - return receipt requested and electronic transmission upon the following:

Adam Pogash
David L. Burgert
Porter & Hedges, L.L.P.
1000 Main Street, 36th Floor
Houston, Texas 77002

/s/ Mark A. Hendrix
Mark A. Hendrix